

H.643

Introduced by Representatives Partridge of Windham and Trieber of
Rockingham

Referred to Committee on

Date:

Subject: Education; small schools support grant; eligible school district; right
of appeal

Statement of purpose of bill as introduced: This bill proposes to permit, on or
after July 1, 2019, a school district to appeal a decision by the State Board of
Education that it is not an “eligible school district” and therefore is not eligible
to receive a small schools support grant.

An act relating to the right to appeal the State Board of Education’s
determination of eligibility for a small schools support grant

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 16 V.S.A. § 4015 is amended as follows:

§ 4015. SMALL SCHOOL SUPPORT

(a) In this section:

(1) “Eligible school district” means a school district that:

(A) operates at least one school with an average grade size of 20 or
fewer; and

1 (B) has been determined by the State Board, on an annual basis, to be
2 eligible due to either:

3 (i) the lengthy driving times or inhospitable travel routes between
4 the school and the nearest school in which there is excess capacity; or

5 (ii) the academic excellence and operational efficiency of the
6 school, which shall be based upon consideration of:

7 (I) the school's measurable success in providing a variety of
8 high-quality educational opportunities that meet or exceed the educational
9 quality standards adopted by the State Board pursuant to section 165 of this
10 title;

11 (II) the percentage of students from economically deprived
12 backgrounds, as identified pursuant to subsection 4010(d) of this title, and
13 those students' measurable success in achieving positive outcomes;

14 (III) the school's high student-to-staff ratios; and

15 (IV) the district's participation in a merger study and
16 submission of a merger report to the State Board pursuant to chapter 11 of this
17 title or otherwise.

18 * * *

19 (f) In the event that the State Board determines that a school district is not
20 an "eligible school district" as defined in this section, the school district shall
21 have the right to have the decision reconsidered by the State Board and shall

1 have the right to appeal the final State Board decision to the Civil Division of
2 the Vermont Superior Court. The State Board shall notify the board of the
3 school district within 10 days of making its determination as to whether the
4 school district is an “eligible school district” pursuant to subdivision (a)(1) of
5 this section. The State Board shall include in its notification the rationale for
6 its determination. In the event that the State Board determines that the school
7 district is not an “eligible school district,” the school board may request that
8 the State Board reconsider its determination by providing a notice of
9 reconsideration to the State Board within 30 days of receipt of the State
10 Board’s notification. The State Board shall permit the school board and other
11 interested parties to present testimony at a public meeting of the State Board
12 held within 30 days of receipt of the notice of reconsideration. The State
13 Board shall make its final determination and notify the board of the school
14 district within 10 days of the public meeting. The State Board shall include in
15 its final notification the rationale for its determination. In the event that the
16 State Board determines that the school district is not an “eligible school
17 district,” the school board may appeal the determination to the Civil Division
18 of the Vermont Superior Court pursuant to Rule 75 of the Vermont Rules of
19 Civil Procedure.

20 Sec. 2. EFFECTIVE DATE

21 This act shall take effect on July 1, 2019.